

**MINUTES OF THE STANDING COMMITTEE  
ON COMMERCE**

**Tuesday, June 12, 2007**

**9:00 a.m.**

**Room 519, House Office Building**

**Chair Meisner** called the Standing Committee on Commerce to order.

**MEMBERS PRESENT:** Reps. Meisner, Robert Jones, Accavitti, Byrum, Clemente, Coulouris, Dean, Griffin, Sheltroun, Simpson, Valentine, Hildenbrand, Huizenga, Palsrok, Stakoe, Rick Jones, Knollenberg, Meltzer (18/19)

**MEMBERS ABSENT/EXCUSED:** Rep. Johnson (1/19)

**Representative Valentine** moved to adopt the minutes from the meeting held on June 5, 2007. Hearing no objection, the motion prevailed with unanimous consent.

The **Chair** laid **House Bill 4163** before the committee:

HB 4163   Clack                      Health; smoking; smoke-free workplace; require.

**Senator Basham** testified in support of the bill and answered questions.

**Representative Clack** testified in support of the bill and answered questions.

**Dr. Ronald Davis**, representing the Michigan State Medical Society and the American Medical Association, testified in **support** of the bill and answered questions.

**Andy Deloney**, representing the Michigan Restaurant Association, testified in **opposition** to the bill.

**Larry Schuler**, representing himself, testified in **opposition** to the bill.

**Brian Kramer**, representing Rosie O'Grady's, testified in **opposition** to the bill.

**Tom Bransom**, representing Equity-Vest, Inc., testified in **opposition** to the bill.

**Daniel Haberman**, representing himself, testified in **support** of the bill.

**Representative Dick Ball** testified in **support** of the bill.

**Dr. Jack Clarkson, M.D.**, representing himself, testified in **support** of the bill.

**Jill Jack**, representing herself, testified in **support** of the bill.

**Dr. Tess Clarkson, M.D.**, representing herself, testified in **support** of the bill.

The following people wished to testify in **support** of the bill, but did not due to time constraints:

**Teresa Clark**, representing herself;

**Michell Thurman**, representing Club 22 and Dino Ciccarelli;

**Phil Moilenan**, representing the American Cancer Society;

**Sharice Pulman**, representing herself;

**Dr. Ken Warner**, representing himself;

**Bill Barnes**, representing himself;

**Dr. Greg Holzman**, representing the Michigan Department of Community Health;

**Curtis Hertel**, representing the Michigan Department of Community Health;

**Carrie Klein**, representing herself;

**Wendy Sellers**, representing herself and the Eaton Intermediate School District;

**Angy Webb**, representing the American Lung Association;

**Nancy Wells, Ph.D.**, representing herself;

**Rachel Wood**, representing herself;

**Kathryn Davenport**, representing the American Cancer Society;

**Bruce Carr**, representing himself;

**Melissa Weber**, representing herself;

**Dr. Maurice Reizen, M.D.**, representing the Ingham County Board of Health; and

**Marcia Knol**, representing Smoke-Free Ottawa.

The following people wished to testify in **opposition** to the bill, but did not due to time constraints:

**Dale Dillard**, representing Abso Air, Incorporated;

**John Imu**, representing the Grafton Inn;

**John Dempster** and **Carmen Young**, representing the Royal Oak Restaurant Association; and

**Mario Defelice**, representing Silver Star Bar, Incorporated.

The following people submitted a testimony card in **support** of the bill, but did not wish to speak:

**Judy Stewart**, representing the American Cancer Society;

**Katherine Knoll**, representing the American Heart Association;

**Colin Ford**, representing the Michigan State Medical Society;

**Karen Holcomb-Merrill**, representing Tobacco Free Michigan;

**Chris Mitchell**, representing the Michigan Health and Hospital Association;

**Sammi Hawkins**, representing the American Lung Association;

**Carol Christner**, representing Karmanos Cancer Institute;

**Caroline Ruddell**, representing the Michigan Dental Association;

**Bonnie Nothoff**, representing the Michigan Dental Hygienists' Association;

**Lisa Brady**, representing herself;

**Joe Neller**, representing the Michigan Academy of Family Physicians;

**Doug Borruso**, representing the Michigan Osteopathic Association;

**Laurie Eyde**, representing the American Cancer Society;

**Mike DeGrow**, representing the Michigan Academy of Physician Assistants;

**Kim Ross**, representing Pfizer;

**Susan Harman**, representing the Michigan Jewish Conference;

**Doug Paterson**, representing the Michigan Primary Care Association;

**Donovan Thomas**, representing the Ottawa County Health Department;

**Paul Long**, representing the Michigan Catholic Conference;

**Kris Kraft and Deidra Wilson**, representing Blue Cross & Blue Shield of Michigan;

**Kathy DeGrow**, representing the March of Dimes;

**Terrie Hampel**, representing the Muskegon County Health Department;

**Tim Sime**; representing Smoke Free Air;

**Barb DeSimpelare**, representing the American Cancer Society;

**Michelle Precourt Debbink**, representing the American Medical Student Association; and

**Steven Yencich**, representing the Michigan Hotel, Motel and Resort Association.

The following people submitted testimony cards in **opposition** to the bill, but did not wish to speak:

**John Gould**, representing himself;

**Jennifer Hilton**, representing Carrabba's Italian Grill;

**Scott Osborne**, representing Carrabba's Italian Grill;

**Jeff Wilk**, representing Carrabba's Italian Grill;

**Lynn Brown**, representing Carrabba's Italian Grill;

**Craig Lemier**, representing Carrabba's Italian Grill;

**Michael Tehovnik**, representing Carrabba's Italian Grill;

**Brent Roui**, representing Outback Steakhouse;

**Jon Rand**, representing Outback Steakhouse;

**Jeff Satterca**, representing Outback Steakhouse;

**Rod Taylor**, representing Bob Evans;

**Rod Walls**, representing Bob Evans Farms, Incorporated;

**Daryl Sutton**, representing Bob Evans;

**Eric Alford**, representing Bob Evans Farms, Incorporated;

**Steve Shafer**, representing Bob Evans;

**Polly Reber**, representing the Michigan Distributors and Vendors Association;

**Lew Dodak**, representing the Michigan Coin Machine Operators Association;

**Wendy Block**, representing the Michigan Chamber of Commerce;

**Lance Binoniemi**, representing the Michigan Licensed Beverage Association;

**Del Chenault**, representing Greektown Casino;

**P.J. Sayah**, representing Applebee's;

**William Wentworth, Jr.**, representing Applebee's;

**Steve Loftis**, representing Harbor Restaurant;

**Aaron MacLachla**, representing Brann's Steakhouse;

**Mark Moylan**, representing Applebees;

**Jim Price**, representing Applebees;

**Bryan Barnett**, representing Miller Apple;

**Bonnie Bachniak**, representing the Michigan Food and Beverage Association;

**Dan Harter**, representing Brann's Steakhouse;

**Jim Mittlestat**, representing Brann's Steakhouse;

**Eric Nash**, representing Brann's Steakhouse;

**Fred Moore**, representing Magnum Hospitality;

**Eddie Morales**, representing Restaurant Partners;

**Matt Sivits**, representing Restaurant Partners;

**Bob Webster**, representing Restaurant Partners;

**Shanna Peterson**, representing Restaurant Partners;

**Audrey Morgan**, representing Restaurant Partners;

**Michelle Gill**, representing Restaurant Partners;

**Jason Wilkins**, representing Restaurant Partners;

**Jerry Madden**, representing Buffalo Wild Wings Grill & Bar;

**Carlo DiLeonardo**, representing Peppino's Restorante Sports Bar;

**Anthony Noto**, representing Noto's Old World Italian Dining and Banquet Facility;

**Dan O'Leary**, representing Juliet Chocolates;

**David Mersline**, representing Outback Steakhouse;

**Melissa Bisbikis**, representing Outback Steakhouse;

**Steve Rossi**, representing Outback Steakhouse;

**Brian Carmody**, representing Buffalo Wild Wings;

**Adam Headley**, representing Outback Steakhouse;

**Shaun Fovess**, representing Outback Steakhouse;

**Ralph Johnston**, representing Carrabba's Italian Grill;

**Becky Ehrnstrom**, representing Bonefish Grill;

**Jason Kozlowski**, representing Outback Steakhouse;

**Todd Hoot**, representing Outback Steakhouse;

**Michael McCleary**, representing Outback Steakhouse;

**Jennifer Szewc**, representing Outback Steakhouse;

**H.S. Randall**, representing Juliet Chocolates;

**Chad Wilson**, representing Outback Steakhouse;

**Julian Copsey**, representing Bonefish Grill;

**Jeffery Aspin**, representing Bonefish Grill;

**Jim Holton**, representing Mountain Town Station;

**Mark Wibel**, representing Carrabba's Italian Grill;

**Rachele Wahl**, representing Outback Steakhouse;

**Mitchell Hudecek**, representing Outback Steakhouse;

**Adam Bell**, representing Restaurant Partners;

**Frank Wilson**, representing Restaurant Partners;

**Michael Schmid**, representing Thomas Hospitality Group;

**Jim Egge**, representing Quest Ventures Restaurants;

**Steven Moskwa**, representing Yankee Rebel Tavern;

**Patti Ann Moskwa**, representing Horn's Gaslight Bar;

**Jeff Lobdell**, representing Restaurant Partners;

**Karen Schmuker**, representing Restaurant Partners;

**Colby Moore**, representing Magnum Hospitality;

**Conrad Knappe**, representing Ponderosa Metro Franchise;

**Janet Sossi Belcours**, representing Roma Cafe, Incorporated;

**Todd Thompson**, representing Pearl's;

**Brian Janisca**, representing Brann's Steakhouse;

**Kyle Marshall**, representing Red Mesa Grill;

**John Jason**, representing Red Mesa Grill;

**Joseph Ventralone**, representing Outback Steakhouse;

**Jennifer Schoon**, representing Nuthouse Sports Grill;

**Penny Hawkins**, representing Beggar's Banquet;

**David Schoon**, representing Harrison Roadhouse;

**James Dunleavy**, representing Outback Steakhouse;

**Brent Tran**, representing Outback Steakhouse;

**Brandon Bennett**, representing Outback Steakhouse;

**Patrick Chadwell**, representing Outback Steakhouse;

**Kevin Gudejko**, representing Main Street Ventures;

**Sue Burke**, representing Main Street Ventures;

**Mary Brady**, representing Diamond Jim Brady's Bistro; and

**Sean Goodleske**, representing Outback Steakhouse.

The following people submitted testimony cards indicating a **neutral** position on the bill, but did not wish to speak:

**Mark Irish**, representing Restaurant Partners;

**Erin O'Reilly**, representing Brann's Steakhouse;

**Magdalena Horstkotte**, representing Applebee's;

**Jodi Leaser**, representing Brann's Steakhouse; and

**John Spangenberg**, representing Outback Steakhouse.

Written material in **support** was submitted by the following:

**Dr. Ronald Davis, M.D.**, President-elect, American Medical Association;

**Donovan Thomas**, Ottawa County Health Department;

**Terrie Hampel**, Muskegon County Health Department;

**Wendy Sellers**, Eaton Intermediate School District;

**Curtis Hertel** and **Dr. Greg Holzman**, Michigan Department of Community Health;

**Marcia Knol**, Smoke-Free Ottawa;

**Sandy Franklin, Lisa Darrow** and **Bonnie Nothoff**, Michigan Dental Hygienists' Association;

**Kenneth Warner, PhD.**, University of Michigan;

**Dr. Susan Sevensma, D.O.**, Michigan Osteopathic Association;

**Kenneth Matzick**, Beaumont Hospitals;

**David Finkbeiner**, Michigan Health & Hospital Association; and the

**Campaign for Smokefree Air**.

Written testimony in **opposition** was submitted by **Dale Dillard**, AbsoAir, Incorporated.

**Chair Meisner** announced that the committee would resume hearing testimony on the bill in two weeks.

**Representative Byrum** moved to excuse absent members. Hearing no objection, the **Chair** excused **Representative Johnson**.



There being no further business to come before the committee, **Chair Meisner** declared the meeting adjourned, the time being **10:30 a.m.**

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**Representative Andy Meisner, Chair**

Jean Hamelin, Committee Clerk  
(517) 373-5632